
HOUSE BILL No. 1339

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-32-2-2.5; IC 31-37-8-4.5.

Synopsis: Protection from self-incrimination for juveniles. Provides that information provided by a child in the course of mental health screening, assessment, evaluation, or treatment provided during juvenile court, probation, or intake proceedings may not be admitted as evidence against the child on the issue of whether the child committed a delinquent act or a crime. Allows disclosure to be admitted if the: (1) disclosure relates to facts or circumstance of a homicide; (2) disclosure reveals that the child intends to commit a crime; or (3) child and the child's legal guardian consent to the disclosure.

Effective: July 1, 2007.

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January 16, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1339

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-32-2-2.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 2.5. (a) This section applies only to a mental health:**

- 4 **(1) screening;**
5 **(2) assessment;**
6 **(3) evaluation; or**
7 **(4) treatment;**

8 **provided by or under the direction of a clinician or health care**
9 **professional in conjunction with proceedings under this article.**

10 **(b) As used in this section, "evaluator" means a person**
11 **responsible for providing mental health screening, evaluation, or**
12 **treatment to a child in connection with a juvenile proceeding or**
13 **probation proceeding under this article.**

14 **(c) Except as provided in subsection (d), a disclosure**
15 **communicated to an evaluator in the evaluator's official capacity**
16 **may not be admitted as evidence against the child on the issue of**
17 **whether the child committed a delinquent act or a crime.**



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(d) A disclosure described in subsection (c) may be admitted as evidence against the child on the issue of whether the child committed a delinquent act or a crime if:

- (1) the disclosure relates directly to the facts or immediate circumstances of a homicide;
- (2) the disclosure reveals that the child may intend to commit a crime; or
- (3) the child and the child's legal guardian have consented to the disclosure.

SECTION 2. IC 31-37-8-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) This section applies only to a mental health:

- (1) screening;
- (2) assessment;
- (3) evaluation; or
- (4) treatment;

provided by or under the direction of a clinician or health care professional in conjunction with proceedings under this chapter.

(b) As used in this section, "evaluator" means a person responsible for providing mental health screening, evaluation, or treatment to a child in connection with an intake procedure under this chapter.

(c) Notwithstanding section 4(5) of this chapter and except as provided in subsection (d), a disclosure communicated to an evaluator in the evaluator's official capacity may not be admitted as evidence against the child on the issue of whether the child committed a delinquent act or a crime.

(d) A disclosure described in subsection (c) may be admitted as evidence against the child on the issue of whether the child committed a delinquent act or a crime if:

- (1) the disclosure relates directly to the facts or immediate circumstances of a homicide;
- (2) the disclosure reveals that the child may intend to commit a crime; or
- (3) the child and the child's legal guardian have consented to the disclosure.

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